

REMARKS

Claims 1-15 have been examined, and have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

The Examiner has objected to Figs. 2a and 2b, as not including descriptive labels for the flowchart steps. Accordingly, Applicant is submitting herewith two proposed corrected drawings for Figs. 2a and 2b with the steps fully labeled. Applicant respectfully requests the Examiner to indicate, in the next Office Action, if such drawings are acceptable.

Applicant has editorially amended claims 1-10 for clarification purposes. The amendments were made for precision of language and do not narrow the literal scope of the claims, and thus, do not implicate an estoppel in the application of the doctrine of equivalents. Further, the amendments are not made for reasons of patentability.

II. Rejection of claims 1-3 and 10-13 under 35 U.S.C. § 103(a) over WO 99/49690 to Magnusson et al. ("Magnusson") in view of U.S. Patent No. 6,351,638 to Robinson

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites that a base station transmits an identification code to a wireless subscriber terminal. The identification code is for a radio transmission mode which has the highest availability value.

The Examiner maintains that Magnusson discloses the above feature. However, Magnusson merely discloses that the base carrier 1 is capable of recommending carrier services (i.e. alleged radio transmission modes) that can be used optimally on a given occasion (pg. 5, lines 16-19). The reference fails to teach or suggest that the base carrier 1 also sends an “identification code” to the mobile equipment 2, where the identification code is for a carrier service which has the highest availability value, as recited in claim 1.

Applicant further submits that Robinson fails to cure the above noted deficient teachings of Magnusson.

Accordingly, for at least the above reasons, Applicant submits that the alleged combination of Robinson and Magnusson fails to teach or suggest the invention of claim 1. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claims 2 and 3

Since claims 2 and 3 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claims 10, 11, 12 and 13

Since claims 10, 11, 12 and 13 contain features that are analogous to the features recited in claim 1, Applicant submits that claims 10, 11, 12 and 13 are patentable over the cited references for at least analogous reasons as set forth above.

III. Rejection of claims 4-5 and 14 under 35 U.S.C. § 103(a) over Magnusson in view of Robinson and U.S. Patent No. 5,590,397 to Kojima (“Kojima”)

A. Claim 4

Since claim 4 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

In addition, claim 4 recites that a control means of a base station creates a priority list, in which identification codes of radio transmission modes are listed in an order of precedence, depending on the size of the respective availability values. Further, the base station transmits the priority lists to the wireless subscriber terminal. The wireless subscriber terminal checks, by means of the identification codes, whether at least one of the identification codes gives a radio transmission mode by which the wireless subscriber terminal can transmit and receive radio signals.

The Examiner maintains that the combination of Magnusson and Robinson disclose the creation of a priority lists. However, for similar reasons as presented above in claim 1, Applicant

submits that the references fail to teach or suggest the claimed identification codes, and thus, likewise fail to teach or suggest the creation of the claimed priority lists.

Further, the Examiner acknowledges that Magnusson and Robinson fail to disclose a wireless subscriber terminal that checks, by means of identification codes, whether at least one of the identification codes gives a radio transmission mode by which the wireless subscriber terminal can transmit and receive radio signals. On the other hand, the Examiner contends that Kojima does. However, as disclosed in Kojima, the system information memory 7 (i.e. which contains alleged identification codes) is incorporated into the radio terminal B1 (i.e. the alleged wireless subscriber terminal) (Fig. 3; col. 3, lines 25-27). Kojima fails to disclose that the system information memory 7 is created in the radio base station A (i.e. alleged base station), and then sent to the radio terminal B1.

Further, even if the Applicant assumes *arguendo* that the system identification codes, provided in the system information memory 7, disclose the claimed identification codes, Kojima fails to disclose that the radio terminal B1 uses the system identification codes to check whether the radio terminal B1 can transmit and receive radio signals to the listed radio systems. Rather, Kojima discloses that the radio terminal B1 is registered with all of the listed radio systems (col. 3, lines 27-38). Therefore, the radio terminal B1 can transmit and receive signals with all listed system identification codes and their respective radio systems. Thus, contrary to the recitations of claim 4, there is no “check” performed in Kojima.

Based on the foregoing, Applicant submits that claim 4 is patentable over the alleged combination of Magnusson, Robinson and Kojima. Accordingly, the Applicant respectfully requests the Examiner to reconsider and withdraw the rejection.

B. Claim 5

Since claim 5 is indirectly dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

C. Claim 14

Since claim 14 contains features that are analogous to the features recited in claim 4, Applicant submits that claim 14 is patentable over the cited references for at least analogous reasons as presented above.

In addition, since claim 14 is dependent upon claim 13, Applicant submits that such claim is patentable at least by virtue of its dependency.

IV. Rejection of claims 6-9 and 15 under 35 U.S.C. § 103(a) over Magnusson in view of Robinson, Kojima and U.S. Patent No. 5,963,863 to Berggren ("Berggren")

Since claims 6-9 and 15 are indirectly dependent upon one of claims 1 and 13, and Berggren fails to cure the deficient teachings of Magnusson, Robinson and Kojima, Applicant submits that such claims are patentable at least by virtue of their dependency.

V. Newly Added Claims

Applicant has added claim 16 to provide more varied protection for the present invention.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/814,052

Attorney Docket No.: Q63455

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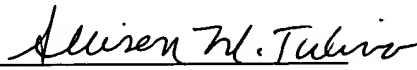
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Date: June 14, 2004 (since June 12, 2004 fell on a Saturday)